

Service Date: July 17, 1996

FINAL ORDER NO. 6408

**DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601**

IN THE MATTER OF Darryl A. Lien &)	
Kimberly J. Lien dba Lienco Tours, Troy,)	
Montana, Application for a Montana)	Docket No. T-96.16.PCN
Intrastate Certificate of Public Convenience)	Order No. 6408
and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On February 16, 1996, Darryl A. Lien & Kimberly J. Lien dba Lienco Tours, PO Box 673, Troy, MT 59935, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B - Passengers 1) between points and places in Lincoln and Sanders Counties and 2) between Troy, Montana and Glacier International Airport located in Flathead County.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public March 6, 1996. That notice said in pertinent part:

If no written protests are received by March 26, 1996, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by James E, Michael dba Kalispell Taxi Service, Kalispell, MT; Flathead Area Custom Transportation, Inc. dba Kalispell Taxi and Shuttle Service, Kalispell, MT; Valet Limousine, Inc., Missoula, MT; and Johnnie M. Cook dba Lincoln County Medical Transport, Libby, MT. The protest of Valet Limousine, Inc. was withdrawn April 29, 1996, with applicant's agreeing to not provide transportation by limousines.

4. Notice of Public Hearing was issued June 24, 1996, with hearing scheduled for July 15, 1996, in Troy, Montana. The hearing date was subsequently moved to July 16, 1996.

5. On June 21, 1996, Applicant filed a motion to dismiss the remaining protestants. At a regularly scheduled work session held July 2, 1996, the Commission dismissed the protests of James E. Michael dba Kalispell Taxi Service and Flathead Area Custom Transportation, Inc. due to their lack of standing. The motion to dismiss the protest of Lincoln County Medical Transport was denied.

6. On July 8, 1996, applicant further restricted transportation to originate or terminate in Troy, Montana. Lincoln County Medical Transport subsequently withdrew its protest to the docket. The hearing was vacated.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 15th day of July, 1996, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-96.16.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Darryl A. Lien & Kimberly J. Lien dba Lienco Tours, Troy, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Passengers 1) between points within Lincoln and Sanders Counties with all such transportation originating or terminating in Troy, Montana, and 2) between Troy, Montana and Glacier International Airport located in Flathead County.
Limitations: Transportation by limousines is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 15th day of July, 1996, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

NANCY McCaffree, Chair

DAVE FISHER, Vice Chair

BOB ANDERSON, Commissioner

DANNY OBERG, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.